

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Public Services – Panchayat Raj and Rural Development Department – Sri V.J. Buktha, Deputy Executive Engineer (Retired) – Orders Dt:10.7.2009 of Hon'ble A.P. Administrative Tribunal in O.A.No.7447 of 2006 for payment of interest on pensionary benefits to the Applicant – Payment of interest on pensionary benefits – Orders – Issued.

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PANCHAYAT RAJ AND RURAL DEVELOPMENT (Vig.II) DEPARTMENT

G.O.Rt.No. 230

Dated:26-02-2010.

Read the following:-

1. G.O.Rt.No.949, Panchayat Raj and Rural Development (Vig.II) Department, dt.28.6.2004
2. G.O.Rt.No.344, Panchayat Raj and Rural Development (Vig.II) Department, dt.3.3.2005.
3. From the Engineer-in-Chief, Panchayat Raj Letter No.D.I(4)/16397/97, Dated:19.10.2006.
4. From Sri V.J.Buktha, Deputy Executive Engineer (Retd.) representation, Dated:15.08.2006.
5. From the Hon'ble A.P. Administrative Tribunal orders Dt:14.12.2006 in O.A.No.7447/2006.
6. Engineer-in-Chief, Panchayat Raj, Hyderabad Proceedings No.D.I(1)/23144/2006, Dated:08.01.2007.
7. From the Hon'ble A.P. Administrative Tribunal orders Dt:10.07.2009 in O.A.No.7447/2006.
8. From the Hon'ble A.P. Administrative Tribunal Notice Dt:26.11.2009 in C.A.No.1081/2009 in O.A.No.7447/2006.
9. From the Engineer-in-Chief, Panchayat Raj Letter No.D.I(1)/16377/97, Dated:22.12.2009

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ORDER:

In the reference 1st read above, orders were issued dropping further action besides recovery of Rs. 70,521/- against Sri V.J. Bhukta, Deputy Executive Engineer, Panchayat Raj (Retd.), on the charges of misappropriation of JRY funds, on the grounds that the charges had not framed properly in the case. Further, charges were also framed against Sri V.J. Bhukta, Deputy Executive Engineer, Panchayat Raj (Retired on 31.08.1997) on the allegations of misappropriation of Steel and Cement in Vizianagaram. After receipt of the representation, orders were issued in reference 2nd read above for dropping further action against Sri V.J. Bhukta, Deputy Executive Engineer, Panchayat Raj (Retd.) in respect of Steel and Cement case.

(P.T.O)

2. The Engineer-in-Chief, Panchayat Raj in his letter 3rd read above while forwarding the representation of Sri V.J. Bhukta, Deputy Executive Engineer, Panchayat Raj (Retd.) for payment of interest on delayed pensionary benefits paid to him, has stated that the individual retired from service on 31.8.97 and he was authorized provisional pension vide his proceedings dt.18.12.99 since the individual was facing above disciplinary cases and after conclusion of the disciplinary cases, the individual was authorized full pension by the Accountant General, AP, Hyderabad, vide order No.10466/2006-01, dated:31.01.2006 and Gratuity payment orders No.06-G-043591, Dated:31.01.2006.

3. In his representation 4th read above, Sri V.J.Bhukta, Deputy Executive Engineer, Panchayat Raj (Retd.) has stated that for no fault of him charges were foisted against him after his retirement. There was inordinate delay in initiating departmental proceedings coupled with serious predicament precipitated by the Dept., in stopping his pensionary and other benefits. The Dept. dropped all charges against him and eventually disbursed his pensionary benefits. The payment of Provisional Pension was delayed by four years and an amount of Rs.2,36,513.00 was paid in August 2001 and provisional pension is being paid then onwards; that for no fault of him he had been charged, without enquiry and eventually charges were dropped and pensionary benefits were disbursed without the interest accrued on it; and, finally he stated that he is legitimately entitled to the interest accrued over the pensionary benefits withheld for a period of nearly 9 years.

4. In the meanwhile, the individual has filed O.A.No.7447/06 and the Hon'ble A.P. Administrative Tribunal in its orders 5th read above has directed the Engineer-in-Chief, Panchayat Raj (i.e., 2nd respondent) to consider and pass appropriate orders on the representation of the applicant dated 15.8.06 in the matter of granting interest on delayed payment of pensionary benefits, within a period of four weeks from the date of receipt of a copy of that order.

5. The Engineer-in-Chief, Panchayat Raj in the reference 6th read above issued orders rejecting the request of the individual for payment of interest on the pension and pensionary benefits, on the grounds that it has taken time for finalization of (3) disciplinary proceedings pending against him, as per the procedure for finalization of disciplinary cases and since there is no delay in authorizing full pension, after finalization of disciplinary proceedings pending against him.

6. The Hon'ble A.P. Administrative Tribunal in its orders 7th read above, has directed **(i)** to pay interest on the delayed payment of pensionary benefits from July, 2004, till the entire amount and retirement benefits paid to the applicant at the rate of 8% per annum; and, **(ii)** in respect of release of provisional, directed to pay the interest amount at the rate of 8% per annum from the date of his retirement till the provisional pension amount is paid in August 2001, within a period of six weeks from the date of receipt of a copy of the order. Further Hon'ble A.P. Administrative Tribunal set aside the proceedings issued by the second respondent (i.e., ENC, PR) dt.8.1.07 stating that the applicant is not entitled for payment of interest on pensionary benefits.

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7. Further, the Hon'ble A.P. Administrative Tribunal, Hyderabad issued notice, vide reference 8th read above in C.A.No. 1081/2009 in O.A.No.7447/2006, to show cause as to why the C.A. shall not be admitted for willful disobedience of the orders of the Tribunal Dt:10.7.2009 in O.A.No.7447/2006.

8. The Engineer-in-Chief, Panchayat Raj, in reference 9th read above has interalia stated that, if comply the directions of the Tribunal, the interest amount @ 8 % to be paid to the Applicant from the date of his retirement to till the sanction of Provisional pension, i.e., from 1.9.97 to 31.7.2001 (i.e., 47 months) would be Rs.38,985/-; and, requested necessary orders, so as to avoid further legal complications, in the matter.

9. Government, after careful examination of the matter, have decided that no interest shall be paid on Provisional Pension already paid and to pay the interest on the balance amount only; and, to sanction an amount of Rs.38,985/- (Rupees thirty eight thousands nine hundred and eighty five only) towards interest on delayed payment of pension @ 8% p.a. from the period from 1.9.97 to 31.7.2001, to the Applicant, viz., Sri V.J. Bhukta, Deputy Executive Engineer (Retd.) Panchayat Raj, in view of the APAT orders Dt:10.7.2009 in O.A.No.7446/2006.

10. Accordingly, Government hereby sanction an amount of Rs.38,985/- (Rupees thirty eight thousands nine hundred and eighty five only) towards interest on delayed payment of pension @ 8% p.a. from the period from 1.9.97 to 31.7.2001, to the Applicant, viz., Sri V.J. Bhukta, Deputy Executive Engineer (Retd.) Panchayat Raj.

11. The Engineer-in-Chief, PR, Hyderabad shall take further action in the matter.

12. This order issues with the concurrence of Finance (Pen-I) Department vide their U.O.No.4730/55/A1/Pen.I/2010, Finance (Pen.I) Department, Dated:23.02.2010.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R.SUBRAHMANYAM
PRINCIPAL SECRETARY TO GOVERNMENT

To

Sri V.J. Buktha, DEPUTY Executive Engineer (Retd.), Panchayat Raj through Engineer-in-Chief, Panchayat Raj, Hyderabad.

The Engineer-in-Chief, Panchayat Raj, Hyderabad.

Copy to:

The Accountant General, A.P., Hyderabad.

The Government Pleader for Panchayat Raj, A.P.A.T. Hyderabad (w.r.t C.A.No.1081/2009 in O.A.No.7447/2006)

The Finance (Pen.I) Department.

SF/SCs.

// FORWARDED :: BY ORDER //

SECTION OFFICER